

2007-40

>>> "Allan Falk" <falklaw@comcast.net> 10/31/2008 10:35 AM >>>
Alternative A is clearly preferable; in contrast, Alternative B leaves a party who in good faith files a claim of appeal (and has it accepted by the Clerk of the Court of Appeals), but who later runs afoul of a motion to dismiss or a sua sponte second look at jurisdiction by a panel of learning of the need to seek appeal by (delayed) leave only after the deadline for doing so has expired. No set of procedures styled as promulgated by a court of justice could conceivably create such an absurd potential for unfairness.

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